

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 200200640

April 18, 2002

PUBLIC NOTICE

The NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT), DIVISION OF HIGHWAYS, 1548 Mail Service Center, Raleigh, North Carolina, 27699-1548 has applied for a Department of the Army (DA) permit pursuant to SECTION 404 OF THE CLEAN WATER ACT to discharge dredged or fill material into 1.67 acres of jurisdictional wetlands and 962 linear feet of stream channel for the widening and realignment of SR 1400 (Cliffdale Road) from US 401 to SR 1403 (Reilly Road) in Fayetteville, CUMBERLAND COUNTY, NORTH CAROLINA. State Project 8.2441701, Federal Aid No. STP-1400(2), TIP NO. U-2520, NCDOT Division 6.

Background:

The social, economic, and environmental impacts associated with reasonable and feasible build alternatives for this project have been described in a North Carolina Department of Transportation (NCDOT)/Federal Highway Administration (FHWA) Environmental Assessment signed on 19 August 1997. A Finding of No Significant Impact (FONSI) was signed by NCDOT/FHWA on 4 May 1999. According to NCDOT, the let date for this project is September 2002.

The NCDOT/FHWA Environmental Assessment identifies and discusses two build alternatives. Both alternatives follow the same alignment, which involves the widening of existing SR 1400 (Cliffdale Road) from SR 1403 (Reilly Road) to US 401 (Raeford Road). A portion of the project is proposed on new alignment, beginning approximately 1000 feet west of Reilly Road and continuing on new location for approximately 1.1 miles back to existing Cliffdale Road at a location approximately 985 feet east of Town Creek Drive. Alternative 1 proposes a five-lane facility with curb-and-gutter for the entire length of the project. Alternative 2 involves a four-lane divided facility.

Project Description:

The following description of work is taken from data provided by the applicant. The proposed project will widen existing 1400 (Cliffdale Road) from SR 1403 (Reilly Road) to US 401 (Raeford Road). A 1.1 mile segment of the proposed project is proposed on new alignment beginning approximately 1000 feet west of Reilly Road and continuing on new location back to

existing Cliffdale Road at a location approximately 985 feet east of Town Creek Drive. The total length of the proposed project is approximately 4.5 miles.

The project is located in the Cape Fear River Basin (Hydrologic Unit 03030004). Waters of the United States will be impacted at six locations by the proposed project. Wetland types potentially impacted by the proposed project are palustrine forested wetlands, three intermittent streams and three perennial streams. Jurisdictional wetland impacts total 1.67 acres and jurisdictional stream impacts total 962 linear feet.

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404(b)(1) compliance determination, the Corps of Engineers is soliciting public comment on the merits of the proposal and on the alternatives evaluated in the NCDOT/FHWA Environmental Assessment. At the close of this comment period, the District Engineer will evaluate and consider the scope of comments received as well as the expected adverse and beneficial impacts of the proposed road construction to select the least environmentally damaging, practicable alternative (LEDPA). The District Engineer is not authorizing construction of the road at this time. A final Department of the Army permit decision will not be made until after our review process is completed, impacts to the aquatic environment have been minimized to the maximum extent practicable, and a compensatory mitigation plan has been approved.

NCDOT proposes to mitigate for the unavoidable impacts to waters of the United States associated with this proposed project, by payment to the North Carolina Wetlands Restoration Program (NCWRP) for the required compensatory mitigation within the Cape Fear River Basin.

Functional design plans and the Environmental Assessment are available for review at the Wilmington Regulatory Field Office of the Wilmington District U.S. Army Corps of Engineers, 69 Darlington Avenue, Wilmington, North Carolina, 28402.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorizations. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a Department of the Army permit be issued until the North Carolina Division of Water Quality has determined the applicability of a Water Quality Certification as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and the project does not affect any registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

NCDOT has conducted surveys along the proposed project corridor to identify suitable, or critical habitat for species listed as Federally endangered or threatened pursuant to the Endangered Species Act of 1973. NCDOT subsequently determined and the U.S. Fish and Wildlife Service concurred with a determination that the proposed project would have no effect on listed species known to occur within the project county. The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of

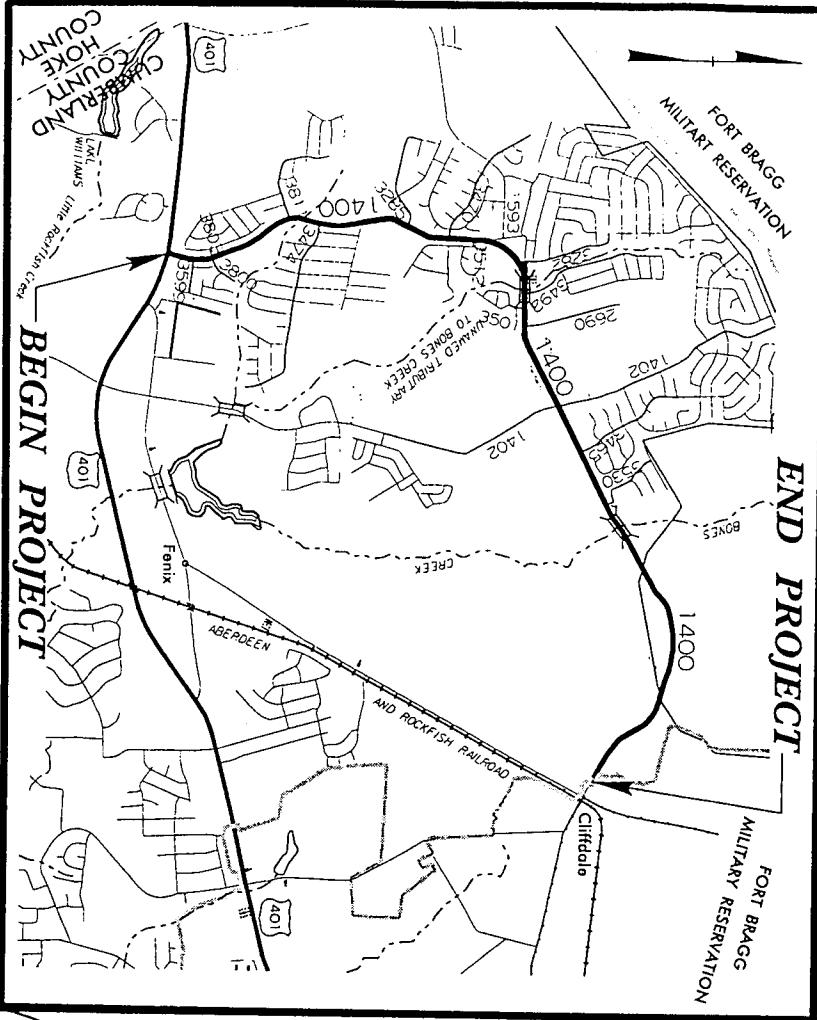
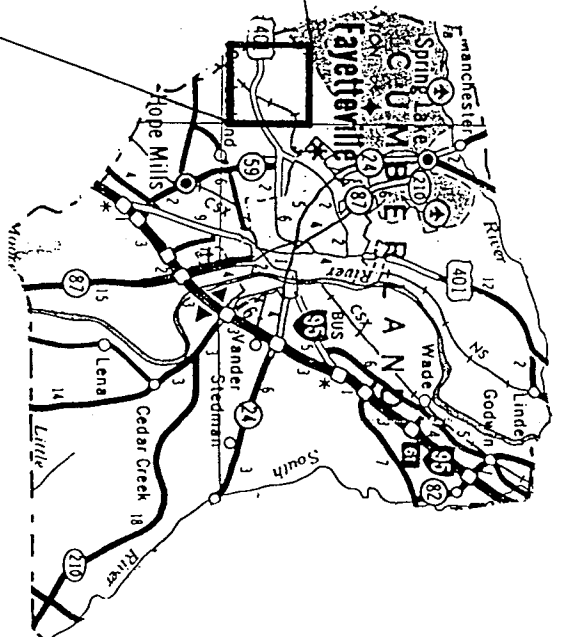
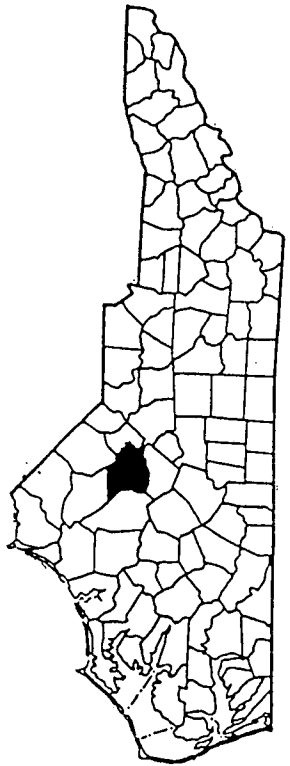
Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

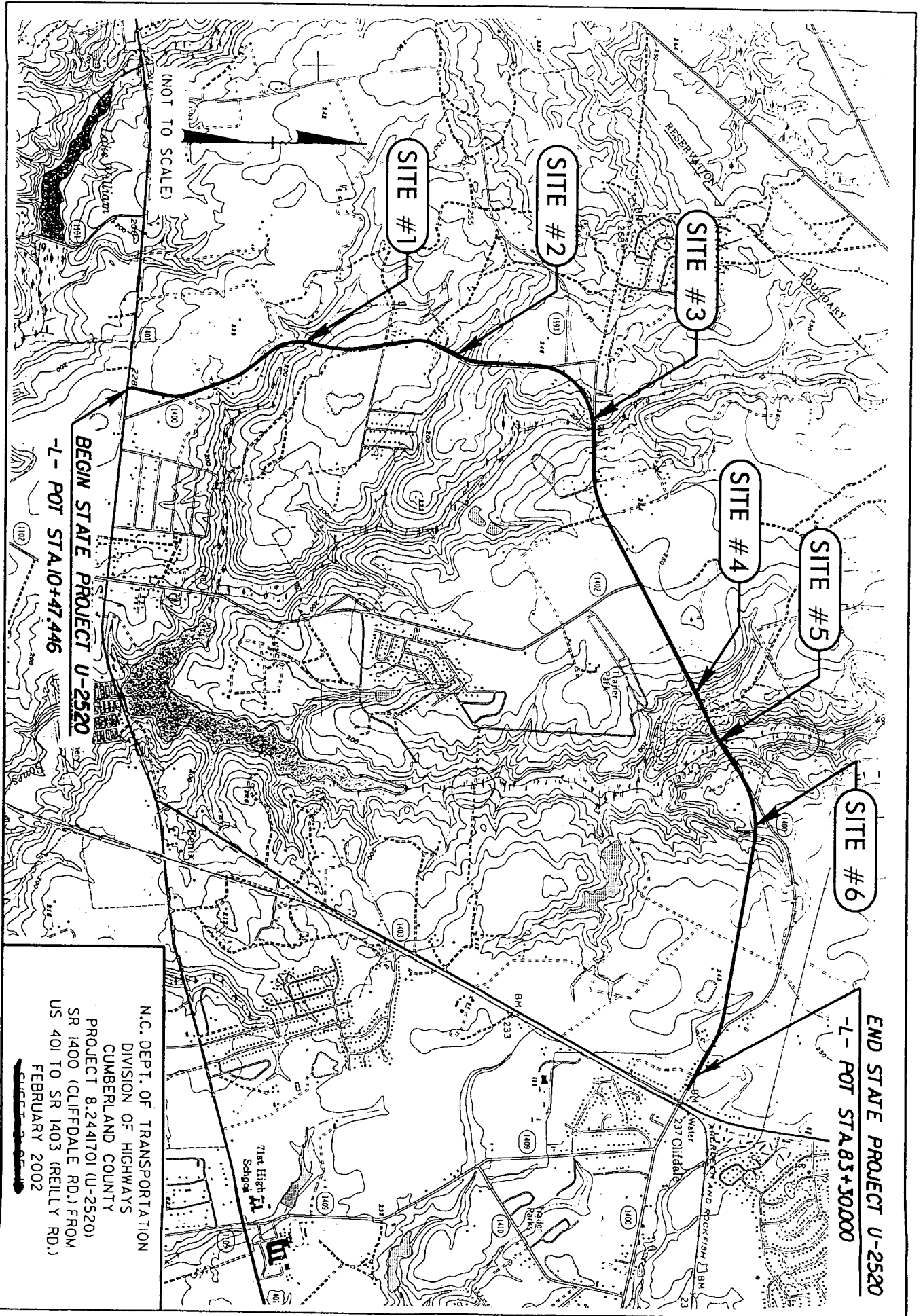
All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality, (NCDWQ), 1650 Mail Service Road, Raleigh, North Carolina 27699-1650, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Richard K. Spencer, until 4:00 p.m., May 17, 2002.



N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
CUMBERLAND COUNTY
PROJECT 8.244701 (U-2520)
SR 1400 (CLIFFDALE RD.) FROM
US 401 TO SR 1403 (REILLY RD.)
FEBRUARY 2002

Sheet 1 of 1

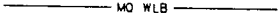
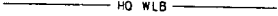











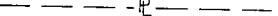
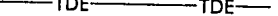










IMPACT SUMMARY

WETLAND IMPACTS				SURFACE WATER IMPACTS								
Site No.	Station	Structure Size	Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Interchange Isolated Wetland (ha)	Mechanized Clearing (Method II) (ha)	Fill In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Existing Channel Impact (m)	Natural Stream Design (m)	Enclosed Channel (m)
1	-L- 21+70 LT-RT	1.8x1.8	0.011		0.001		0.005	0.005		62.1		44.7
2	-L- 31+80 LT-RT	1200	0.002				0.004	0.006		27.8		45.6
3	-L- 41+70 LT-RT	1800	0.022				0.013	0.005		28.2		44.0
4	-L- 58+77 LT-RT	(2) 1050						0.005		27.9		46.2
5	-L- 62+30 LT-RT	(2) 4.0x3.0	0.288		0.008		0.041	0.039		101.5		56.5
6	-L- 68+20 LT-RT	1200	0.251				0.028	0.004		45.8		44.8
TOTALS:			0.574		0.009		0.091	0.064		293.3		281.8

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 SHEET 1 OF 11

LEGEND

	MEDIUM QUALITY WETLAND BOUNDARY
	HIGH QUALITY WETLAND BOUNDARY
	DENOTES EXCAVATION IN WETLANDS
	DENOTES MECHANIZED CLEARING
	DENOTES FILL IN SURFACE WATERS
	DENOTES FILL IN WETLANDS
	FLOW DIRECTION
	TOP OF BANK
	EDGE OF WATER
	PROPOSED LIMIT OF FILL
	PROPOSED LIMIT OF CUT
	PROPOSED RIGHT OF WAY
	NATURAL GROUND
	PROPERTY LINE
	TEMPORARY DRAINAGE EASEMENT
	PERMANENT DRAINAGE EASEMENT
	TEMPORARY CONSTRUCTION EASEMENT
	ADJACENT PROPERTY OWNER OR PARCEL NUMBER
	SINGLE TREE
	WOODS LINE
	DRAINAGE INLET
	PIP RAP
	WETLANDS

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SHEET 3 OF 11

NAD 83

SCALE = 1:1000

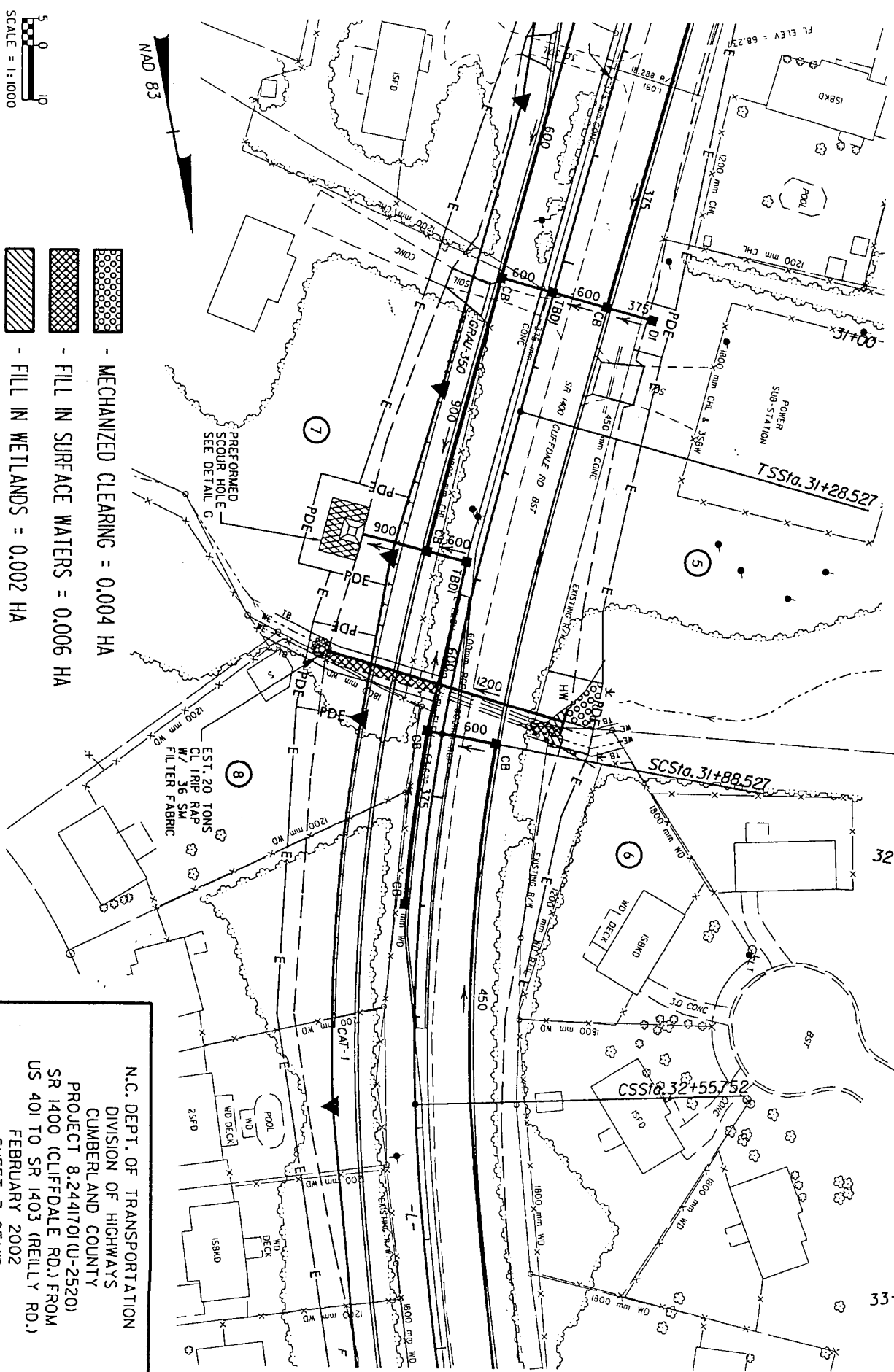
- EXCAVATION IN WETLANDS = 0.001 HA
- MECHANIZED CLEARING = 0.005 HA
- FILL IN SURFACE WATERS = 0.005 HA
- FILL IN WETLANDS = 0.011 HA

DIVISION OF HIGHWAYS
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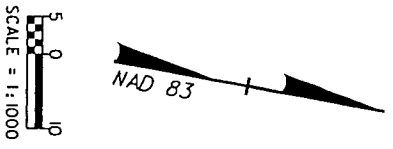
SITE 2-L- STA. 31+80 LT. & RT.






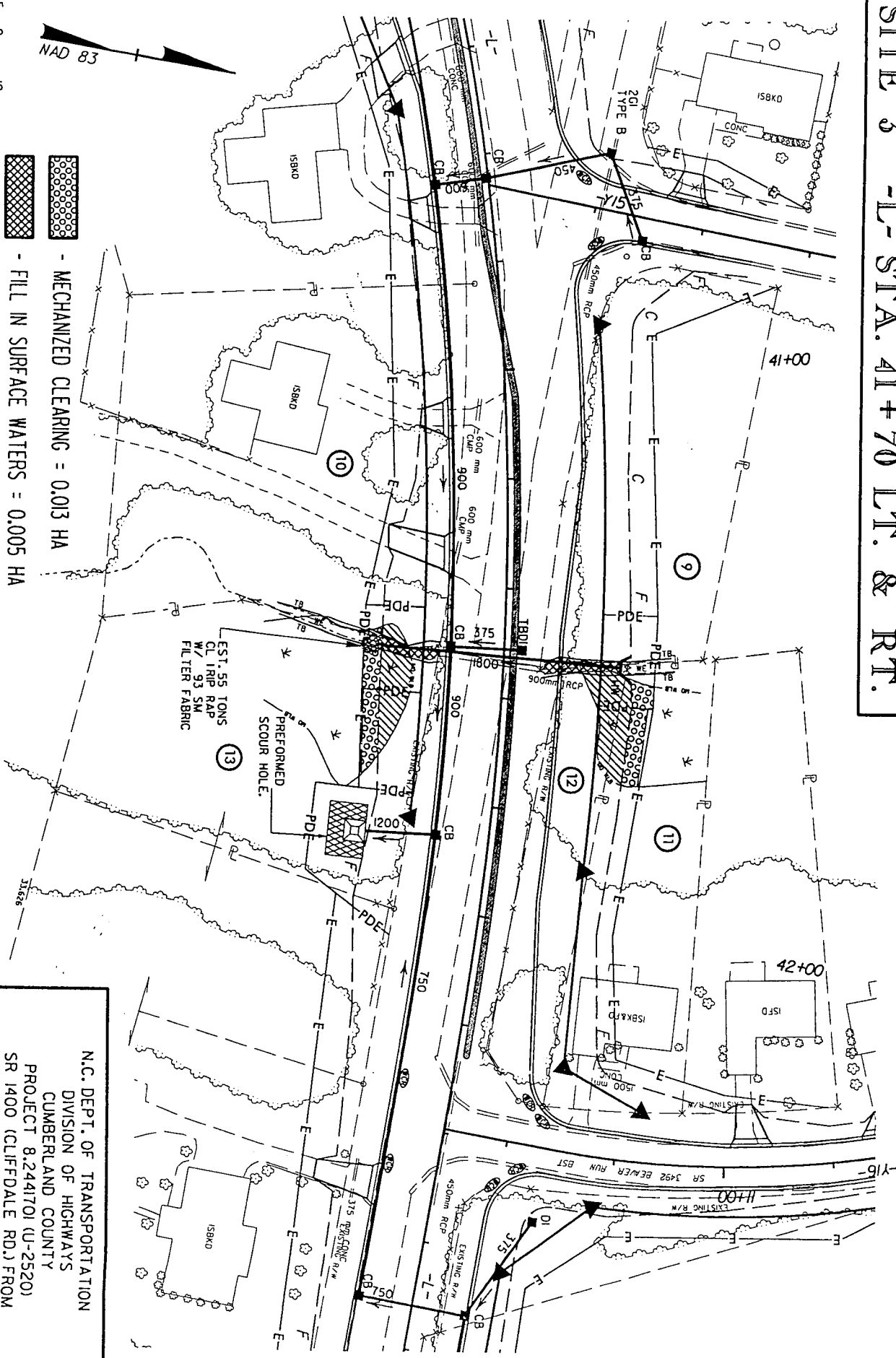
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- FILL IN SURFACE WATERS = 0.006 HA
- FILL IN WETLANDS = 0.002 HA

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SITE 3 -L- STA. 41+70 LT. & RT.



-  - MECHANIZED CLEARING = 0.013 HA
-  - FILL IN SURFACE WATERS = 0.005 HA
-  - FILL IN WETLANDS = 0.022 HA



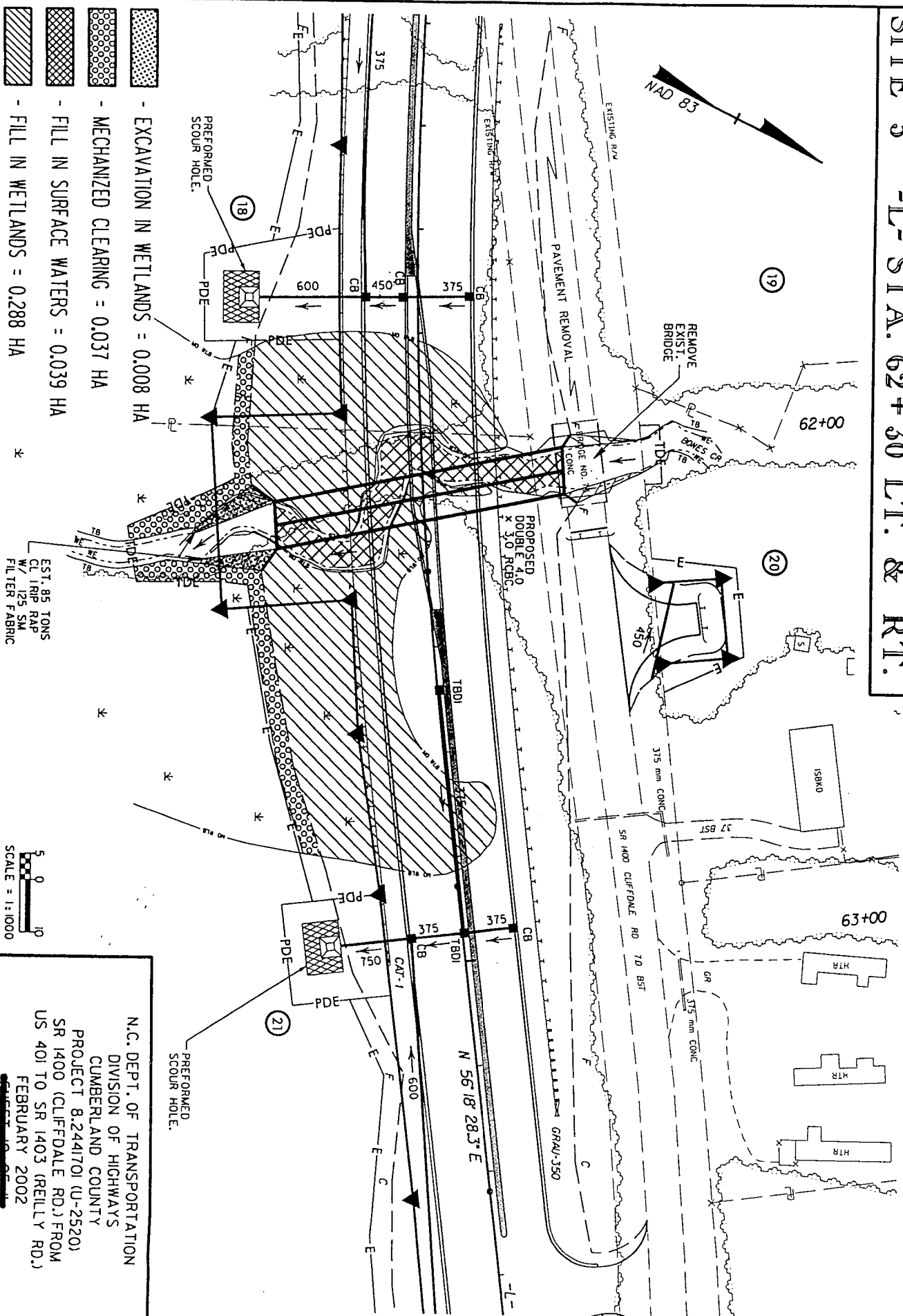
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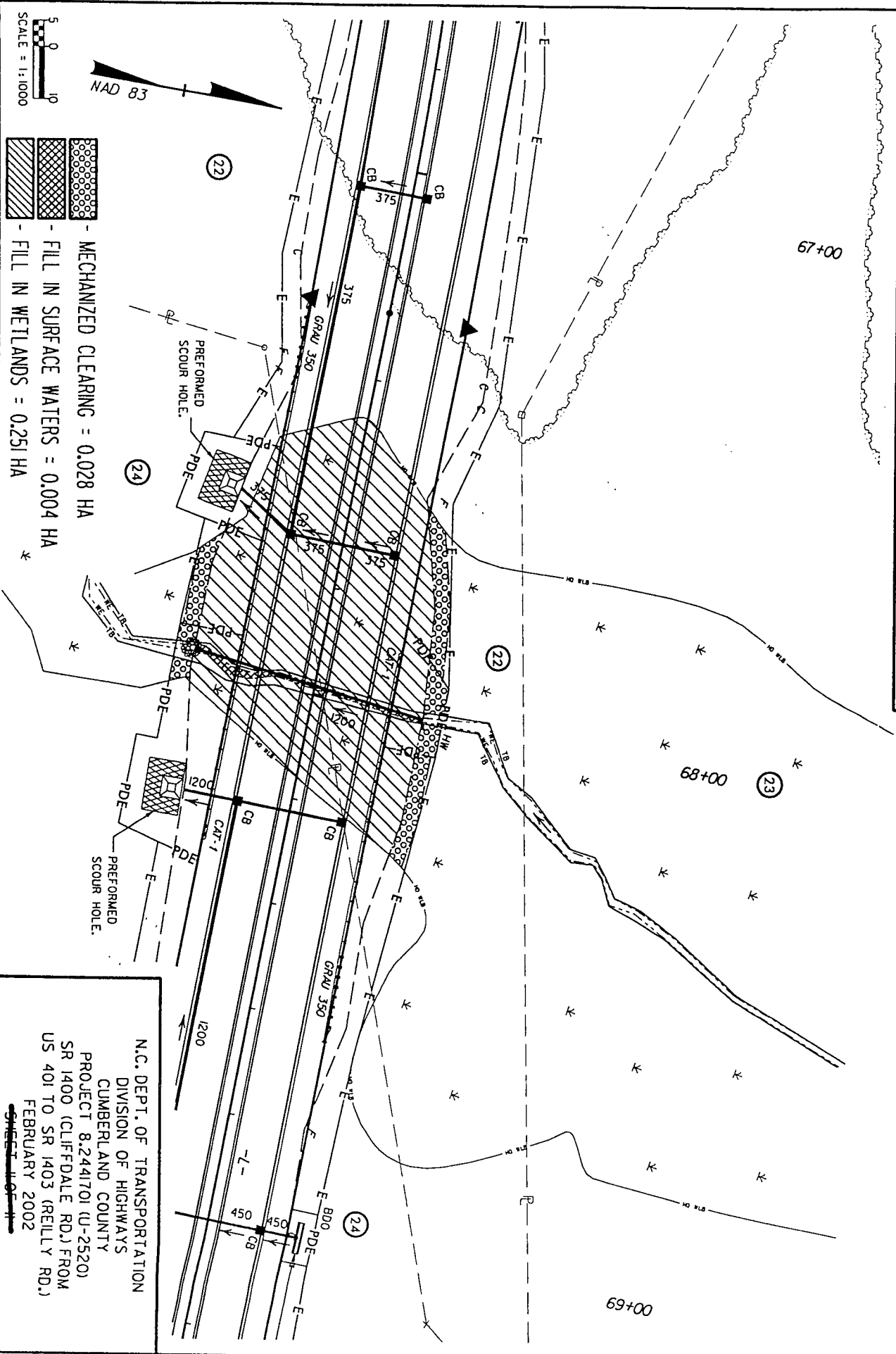
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SITE 5 -L- STA. 62+30 LT. & RT.



SITE 6 -L- STA. 68+20 LT. & RT.

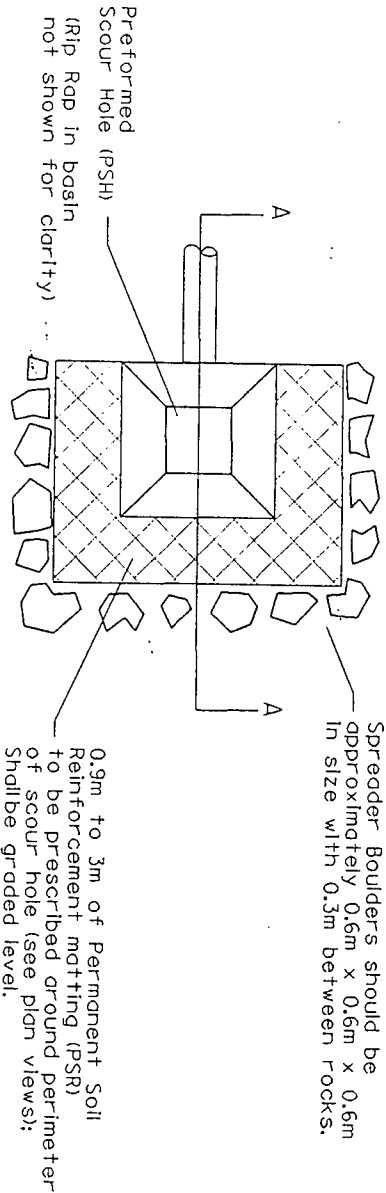


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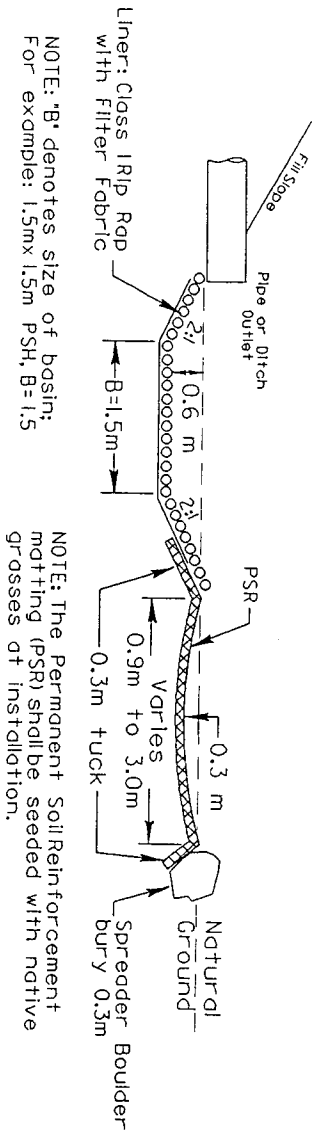
SHEET 1 OF 1

PREFORMED SCOUR HOLE WITH LEVEL SPREADER APRON

(Not to scale)



Section A-A



NOTE: 'B' denotes size of basin;
For example: 1.5m x 1.5m PSH, B=1.5

NOTE: The Permanent Soil Reinforcement matting (PSR) should be seeded with native grasses at installation.

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SR 1400 (CLIFFDALE ROAD) FROM
US 401 TO SR 1403 (REILLY ROAD)

SHEET OF REVISED 2 / 02